

BOISE, WEDNESDAY, FEBRUARY 8, 2023, AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

KELLY LYNN CHRISTMANN,

Plaintiff-Appellant,

V.

Docket No. 49299

STATE FARM MUTUAL AUTOMOBILE

INSURANCE COMPANY, a foreign corporation,

Defendant-Respondent.

Appeal from the District Court of the First Judicial District of the State of Idaho,
Kootenai County. Cynthia K.C. Meyer, District Judge.

Christensen & Jensen, P.C., Salt Lake City, Utah and Craig Swapp & Associates, Spokane Valley, Washington, for Appellant.

Haman Law Office, Coeur d'Alene, for Respondent.

Kelly Lynn Christmann appeals the district court's award of summary judgment to State Farm Mutual Automobile Insurance Company and the denial of her motion to reconsider. Christmann filed this action against State Farm to seek underinsured motorist benefits under her contract of insurance. She claimed State Farm failed to pay an amount justly due under her policy after her collision with an underinsured motorist in Spokane, Washington. State Farm argued that Christmann waived her rights to additional benefits by failing to comply with the contractual agreement of her insurance policy and thereby prejudiced State Farm's subrogation rights against the underinsured motorist.

Below, the district court awarded summary judgment to State Farm on determining that Christmann's conduct violated her contractual agreement under the insurance policy and prejudiced State Farm. The district court also denied Christmann's motions for reconsideration and relief while granting State Farm's motion to strike newly submitted evidence. On appeal, Christmann contends that (1) State Farm failed to prove actual prejudice, (2) the Deciding Fault and Amount provision of her insurance policy violates public policy, (3) the district court erred in denying her motion for reconsideration, (4) the district court abused its discretion in striking newly discovered evidence, and (5) the district court applied an incorrect legal standard in denying her Rule 60(b)(3) motion for relief.